

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, NOVEMBER 27, 19 90

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING November 27, 19 90, IN Regular SESSION. PRESIDENT Charles B. Redd IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY ✓, BURNS ✓, EDMONDS ✓,
GiaQUINTA ✓, HENRY A, LONG ✓,
REDD ✓, SCHMIDT —, TALARICO A

ABSENT: 2)

COUNCILMEMBER: Henry & Talarico

THE MINUTES OF THE LAST REGULAR November 13, 19 90

SPECIAL , 19

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.



The City of Fort Wayne

14 November 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

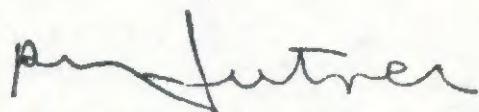
The proposed ordinance is designated as:

BILL NO. G-90-08-12

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
14th day of November 1990.



Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON																
Alley Vacation Ordinance																		
DETAILS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Specific Location and/or Address A 12.5' x 118' east-west alley north of Anderson Av; south of Tennessee Av and east of Spy Run Av. </td> <td style="width: 50%; vertical-align: top;"> Reason for Project To allow for construction of a utility building. </td> </tr> <tr> <td colspan="2"> Discussion (Including relationship to other Council actions) <u>20 August 1990 - Public Hearing</u> <p>Phil Burt, attorney for petitioners appeared before the Commission. Mr. Burt stated that they had been working to save the property to the north (520 Tennessee Avenue) for historical reasons. He stated they have been working for over 1½ years and the alley vacation is part of the effort to preserve the property. He stated that they have no problem with the staff analysis and no problem with the conditions required by staff. He stated that they have met with and have been working with the Neighborhood Association in the area.</p> <p>There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.</p> <u>27 August 1990 - Business Meeting</u> <p>Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.</p> <p>Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.</p> </td> </tr> </table>			Specific Location and/or Address A 12.5' x 118' east-west alley north of Anderson Av; south of Tennessee Av and east of Spy Run Av.	Reason for Project To allow for construction of a utility building.	Discussion (Including relationship to other Council actions) <u>20 August 1990 - Public Hearing</u> <p>Phil Burt, attorney for petitioners appeared before the Commission. Mr. Burt stated that they had been working to save the property to the north (520 Tennessee Avenue) for historical reasons. He stated they have been working for over 1½ years and the alley vacation is part of the effort to preserve the property. He stated that they have no problem with the staff analysis and no problem with the conditions required by staff. He stated that they have met with and have been working with the Neighborhood Association in the area.</p> <p>There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.</p> <u>27 August 1990 - Business Meeting</u> <p>Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.</p> <p>Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.</p>													
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DETAILS

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 12 July 1990

Projected Completion or Occupancy

Date 30 October 1990

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Patricia Biancaniello

Date 30 October 1990

Reference or Case Number

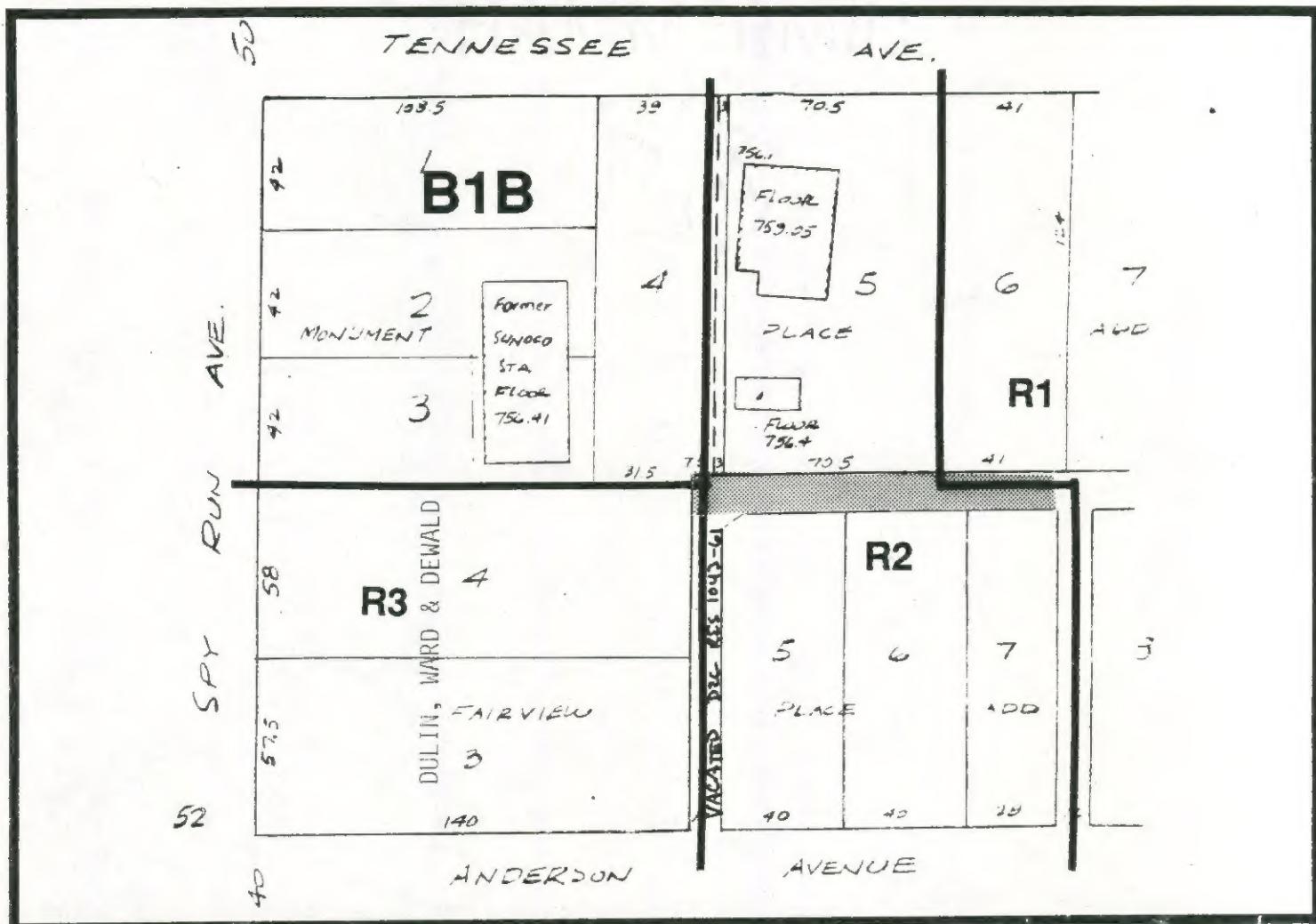
Date *Nov. 13, 1990*

VACATION PETITION #443

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC ALLEY.

MAP NO. N-10

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTIAL DISTRICT
 R2 RESIDENTIAL DISTRICT
 R3 RESIDENTIAL DISTRICT
 B1B LIMITED BUSINESS "B"

LAND USE:

- SINGLE FAMILY
- COMMERCIAL
- DUPLEX

SCALE: NTS

DATE: 7-24-90



J. Philip Burt, attorney for FAHMCO, INC., requests the vacation of a portion of a public right-of-way.

Location: A portion of the east/west alley, north of Anderson and east of Spy Run Avenue.

Legal: See file

Land Area: Approximately 1475 Sq. Ft.

Zoning: The alley is located in a mixed use area that contains various zoning classifications.

Surroundings:	North	B1B/R2/R1	Mixed
	South	R2/R1	Residential
	East	R1	Residential
	West	B1B/R3	Mixed

Reason for Request: To allow construction of a utility building.

Neighborhood Assoc.: Spy Run Neighborhood Association

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

The petitioner states that the alley has been used as part of a parking lot for many years. Further, that the alley is not necessary for ingress or egress to any other property or public way.

The Board of Zoning Appeals heard a case involving the property to the north which is currently used for record storage. That property (520 Tennessee Ave.) is of historic interest, and represents a community asset that needs to be retained and re-used. The Board denied the request to allow a new structure to be built on that site for commercial uses.

If the petitioner can get the alley vacated, they want to construct a new utility building that would be situated on the vacated ground, and the parcel to the north. This would then allow a potential for seeking approval of the new structure, while maintaining the historical structure, and possibly allowing for its appropriate re-use.

While clearly representing a majority of the adjacent land owners, we are concerned with the impact that this vacation may

have on the residential uses to the east, especially since the property owner of Lot 6 in Monument Place did not join in the petition but would be affected by the vacation. While we have no objection to the vacation, we feel that there is a need to protect the access needs of the properties to the east. Therefore, we would suggest that the petitioner provide either a dedicated turn-around, or grant a public ingress/egress easement thru the property (and/or the parking lot located south).

Recommendation: Conditional Approval, contingent upon the petitioner satisfying the following:

- 1) Petitioner is to provide utility easements or relocations as needed; and
- 2) Petitioner should either provide a dedicated turn-around at the eastern end of the alley, to applicable City standards, or dedicate a public easement for ingress/egress across the vacated alley, and the developed parking lot; and
- 3) Obtaining the signature of the other remaining property owner.

RESOLUTION

WHEREAS, FAHMCO, INC., and DULIN, WARD & DEWALD, INC., have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

Following is a legal description for a portion of a 12.5 foot wide alley to be vacated. The South 10.5 feet of said alley situated in Fairview Place Addition and the North 2.0 feet of said alley situated in Monument Place Addition, All by metes and bounds described as follows to-wit:

Commence on the North line of Lot 7. in said Fairview Place Addition at a point situated 12.0 feet West of the Northeast corner thereof; thence West along the North line of Lots 7, 6 and 5 and the Westerly projection thereof, a distance of 118.0 feet plat (117.0 feet actual) to the East line of Lot 4 in said Addition; thence North along the East line of said Lot 4 and its projection thereof, a distance of 12.5 feet to the South line of Lot 4 in Monument Place Addition; thence East along the South line of Lots 4, 5 and 6 in said Addition, a distance of 117.0 feet to a point situated 12.0 feet West of the East line of Lot 7 in Fairview Place Addition produced North; thence South a distance of 12.5 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 20, 1990 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

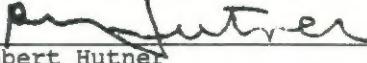
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)) SS:
COUNTY OF ALLEN)

I, Robert Hutzler, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held August 27, 1990, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 30th DAY OF October 1990

FORT WAYNE CITY PLAN COMMISSION


Robert Hutzler
Secretary

RESOLUTION 78-308-3

WHEREAS, FAHMCO, INC., and DULIN, WARD & DEWALD, INC., have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

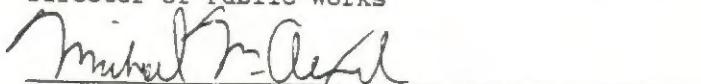
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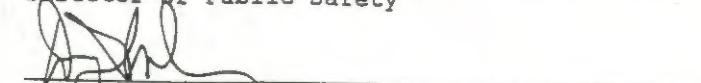
I, Charles E. Layton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held November 7, 1990 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 7th DAY OF November 1990

FORT WAYNE BOARD OF PUBLIC WORKS


Charles E. Layton
Director of Public Works


Michael McAlexander
Director of Public Safety


Douglas M. Lehman
Director of Administration & Finance

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 27th day of November, 1990, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 30th day of November, 1990.

Sandra E. Kennedy
City Clerk